

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Medical School Applicant Criminal Background Check Act.

6 Section 5. "Sex offender" means any person:

7 (1) who is charged pursuant to Illinois law, or any  
8 substantially similar federal, Uniform Code of Military  
9 Justice, sister state, or foreign country law, with any of  
10 the following sex offenses set forth in the Criminal Code  
11 of 1961:

12 (A) indecent solicitation of a child;

13 (B) sexual exploitation of a child;

14 (C) custodial sexual misconduct;

15 (D) prostitution;

16 (E) soliciting for a juvenile prostitute;

17 (F) keeping a place of prostitution;

18 (G) keeping a place of juvenile prostitution;

19 (H) patronizing a juvenile prostitute;

20 (I) pimping;

21 (J) juvenile pimping;

22 (K) aggravated juvenile pimping;

23 (L) exploitation of a child; or

24 (M) child pornography;

25 and who is:

26 (A) convicted of such offense or an attempt to  
27 commit such offense;

28 (B) found not guilty by reason of insanity of such  
29 offense or an attempt to commit such offense;

30 (C) found not guilty by reason of insanity pursuant  
31 to subsection (c) of Section 104-25 of the Code of  
32 Criminal Procedure of 1963 of such offense or an

1 attempt to commit such offense;

2 (D) the subject of a finding not resulting in an  
3 acquittal at a hearing conducted pursuant to  
4 subsection (a) of Section 104-25 of the Code of  
5 Criminal Procedure of 1963 for the alleged commission  
6 or attempted commission of such offense;

7 (E) found not guilty by reason of insanity  
8 following a hearing conducted pursuant to a federal,  
9 Uniform Code of Military Justice, sister state, or  
10 foreign country law substantially similar to  
11 subsection (c) of Section 104-25 of the Code of  
12 Criminal Procedure of 1963 of such offense or of the  
13 attempted commission of such offense; or

14 (F) the subject of a finding not resulting in an  
15 acquittal at a hearing conducted pursuant to a federal,  
16 Uniform Code of Military Justice, sister state, or  
17 foreign country law substantially similar to  
18 subsection (a) of Section 104-25 of the Code of  
19 Criminal Procedure of 1963 for the alleged violation or  
20 attempted commission of such offense;

21 (2) who is certified as a sexually dangerous person  
22 pursuant to the Sexually Dangerous Persons Act or any  
23 substantially similar federal, Uniform Code of Military  
24 Justice, sister state, or foreign country law;

25 (3) who is subject to the provisions of Section 2 of  
26 the Interstate Agreements on Sexually Dangerous Persons  
27 Act;

28 (4) who is found to be a sexually violent person  
29 pursuant to the Sexually Violent Persons Commitment Act or  
30 any substantially similar federal, Uniform Code of  
31 Military Justice, sister state, or foreign country law; or

32 (5) who is adjudicated a juvenile delinquent as the  
33 result of committing or attempting to commit an act that,  
34 if committed by an adult, would constitute any of the sex  
35 offenses set forth in subdivision (1) of this Section or a  
36 violation of any substantially similar federal, Uniform

1 Code of Military Justice, sister state, or foreign country  
2 law or found guilty under Article V of the Juvenile Court  
3 Act of 1987 of committing or attempting to commit an act  
4 that, if committed by an adult, would constitute any of the  
5 offenses set forth in subdivision (1) of this Section or a  
6 violation of any substantially similar federal, Uniform  
7 Code of Military Justice, sister state, or foreign country  
8 law.

9 Any conviction set aside pursuant to law is not a  
10 conviction for purposes of this definition.

11 "Violent felony" means any of the following offenses, as  
12 defined by the Criminal Code of 1961:

- 13 (1) First degree murder.
- 14 (2) Second degree murder.
- 15 (3) Aggravated arson.
- 16 (4) Aggravated kidnapping.
- 17 (5) Aggravated battery resulting in great bodily harm  
18 or permanent disability or disfigurement.

19 Section 10. Criminal background check for applicants. An  
20 applicant for admission to a medical school located in Illinois  
21 must submit to, and each medical school located in Illinois  
22 must require, a criminal background check for violent felony  
23 convictions and any adjudication of an applicant as a sex  
24 offender conducted by the Department of State Police and the  
25 Federal Bureau of Investigation as part of the medical school  
26 admissions application process. A medical school shall forward  
27 the name, sex, race, date of birth, and social security number  
28 of each of its applicants to the Department of State Police to  
29 be searched against the Illinois criminal history records  
30 database and the Statewide Sex Offender Database in the form  
31 and manner prescribed by the Department of State Police. If a  
32 search of the Illinois criminal history records database and  
33 the Statewide Sex Offender Database indicates that the  
34 applicant has a conviction record or has been adjudicated a sex  
35 offender, a fingerprint-based criminal history records check

1 shall be required. Each applicant requiring a  
2 fingerprint-based search shall submit his or her fingerprints  
3 to the Department of State Police in the form and manner  
4 prescribed by the Department of State Police. These  
5 fingerprints shall be checked against the fingerprint records  
6 now and hereafter filed in the Department of State Police and  
7 Federal Bureau of Investigation criminal history records  
8 databases. The Department of State Police shall furnish,  
9 pursuant to positive identification, records of an applicant's  
10 violent felony convictions and any record of an applicant's  
11 adjudication as a sex offender to the medical school that  
12 requested the criminal background check.

13 Section 15. Fees. The Department of State Police shall  
14 charge each requesting medical school a fee for conducting the  
15 criminal background check, which shall be deposited in the  
16 State Police Services Fund and shall not exceed the cost of the  
17 inquiry. Each requesting medical school is solely responsible  
18 for payment of this fee to the Department of State Police. Each  
19 medical school may impose its own fee upon an applicant for  
20 admission to cover the cost of the criminal background check at  
21 the time the applicant submits to the criminal background  
22 check.

23 Section 20. Admissions decision. The information collected  
24 as a result of the criminal background check shall be  
25 considered by the requesting medical school in determining  
26 whether or not to admit the applicant. A violent felony  
27 conviction shall not preclude an applicant from gaining  
28 admission to any medical school located in Illinois. However,  
29 an applicant who has been adjudicated a sex offender shall be  
30 precluded from gaining admission to any medical school located  
31 in Illinois.

32 Section 90. The Department of State Police Law of the Civil  
33 Administrative Code of Illinois is amended by adding Section

1 2605-327 as follows:

2 (20 ILCS 2605/2605-327 new)

3 Sec. 2605-327. Conviction and sex offender information for  
4 medical school. Upon the request of a medical school under the  
5 Medical School Applicant Criminal Background Check Act, to  
6 ascertain whether an applicant for admission has been convicted  
7 of any violent felony or has been adjudicated a sex offender.  
8 The Department shall furnish this information to the medical  
9 school that requested the information.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.